

COUNSEL LISTED ON SIGNATURE BLOCK

E-FILED - 6/12/08

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORP., and
HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

SENORX, INC.,

Counterclaimant,

v.

HOLOGIC, INC., CYTYC CORP., and
HOLOGIC L.P.,

Counterdefendants.

CASE NO.: C-08-0133 RMW (RS)

**STIPULATED REQUEST FOR
ORDER CHANGING TIME TO
EXTEND DEADLINE FOR FILING
PRETRIAL SUBMISSIONS
PURSUANT TO CIVIL LOCAL
RULE 6-2 AND [~~PROPOSED~~]
ORDER**

Courtroom: 6, 4th Floor
Judge: Hon. Ronald M. Whyte

3373806_1.DOC

STIPULATED REQUEST FOR ORDER TO
EXTEND DEADLINE FOR FILING
PRETRIAL SUBMISSIONS

CASE NO. C-08-0133 RMW

1 Plaintiffs and Counterdefendants Hologic, Inc., Cytac Corporation, and Hologic L.P. and
 2 Defendant and Counterclaimant SenoRx, Inc. hereby jointly request pursuant to Civil Local Rule
 3 6-2 an order changing time to extend the deadline to file pretrial submissions to July 3, 2008. In
 4 support of this request, the parties submit the Declaration of Rachel Rodman.

5 The deadline for pretrial submissions is currently June 24, 2008. However, because the
 6 date for the claim construction and summary judgment hearing has been moved to June 25, 2008,
 7 the parties' pretrial submissions would now be due before the claim construction hearing and
 8 before any claim construction order or order on the pending motions for summary judgment.
 9 Because the scope of the case and issues to be tried will depend on the Court's rulings on these
 10 motions, the parties request the extension of these pretrial submissions to July 3, 2008. The
 11 pretrial conference is currently scheduled for July 9, 2008, and the trial is scheduled to begin on
 12 July 14, 2008.

13 For these reasons, the parties respectfully request that the deadline for submitting pretrial
 14 submissions be extended until July 3, 2008. The parties agree that this extension would not apply
 15 to motions in limine, which would be filed on June 24, 2008 so that replies would be filed in time
 16 to be heard at the pretrial conference. In addition, the parties would exchange deposition
 17 designations and exhibits in advance of the pretrial submissions so that the pretrial submissions
 18 would include counter-designations and objections to deposition designations, as well as
 19 objections to authenticity and admissibility of proposed exhibits.

20 Dated: June 3, 2008

HOWREY LLP

21 By: /s/Katharine L. Altemus w/ permission

Katharine L. Altemus

22 altemusk@howrey.com

23 HOWREY LLP

24 1950 University Avenue, 4th Floor

25 East Palo Alto, CA 94303

26 Telephone: (650) 798-3500

Facsimile: (650) 798-3600

27 Attorneys for Plaintiffs Hologic, Inc.,

3373806_1.DOC

Cytec Corporation, and Hologic L.P.
WILLIAMS & CONNOLLY LLP

By: /s/Bruce R. Genderson w/ permission

Bruce R. Genderson
Aaron P. Maurer
Rachel Shanahan Rodman
Adam D. Harber
WILLIAMS & CONNOLLY LLP
725 12th Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Facsimile: (202) 434-5029

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/Natalie J. Morgan

Natalie J. Morgan, State Bar No. 211143
nmorgan@wsgr.com
F.T. Alexandra Mahaney, State Bar No.
125984
amahaney@wsgr.com
WILSON SONSINI GOODRICH &
ROSATI
Professional Corporation
12235 El Camino Real, Suite 200
San Diego, CA 92130
Telephone: (858) 350-2300
Facsimile: (858) 350-2399

Attorneys for Defendant
SENORX, INC.

3373806_1.DOC

Filer's Attestation

I, Natalie J. Morgan, am the ECF User whose identification and password are being used to file this Stipulated Request for Order Changing Time. Pursuant to General Order No. 45, ¶ X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from the other signatories to this Stipulation.

By: /s/Natalie J. Morgan
Natalie J. Morgan

PROPOSED ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED. The deadline for submitting pretrial submissions is July 3, 2008. Motions in limine shall be filed on June 24, 2008. The parties shall exchange deposition designations and exhibits in advance of the pretrial submissions so that the pretrial submissions shall include counter-designations and objections to deposition designations, as well as objections to authenticity and admissibility of proposed exhibits.

Dated June 6, 2008

Ronald M. Whyte
The Honorable Ronald M. Whyte
United States District Court Judge

3373806_1.DOC

CERTIFICATE OF SERVICE

U.S. District Court, Northern District of California,
Hologic, Inc. et al. v. SenoRx, Inc.
Case No. C-08-0133 RMW (RS)

I, Janice Wright, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On June 3, 2008, I served a copy(ies) of the following document(s):

**STIPULATED REQUEST FOR ORDER CHANGING TIME TO EXTEND
DEADLINE FOR FILING PRETRIAL SUBMISSIONS PURSUANT TO CIVIL
LOCAL RULE 6-2 AND [PROPOSED] ORDER**

on the parties to this action by the following means:

Henry C. Su (suh@howrey.com)
Katharine L. Altemus (altemusk@howrey.com)
HOWREY LLP
1950 University Avenue, 4th Floor
East Palo Alto, CA 94303
Telephone: (650) 798-3500
Facsimile: (650) 798-3600

Attorneys for Plaintiffs
HOLOGIC, INC. CYTYC
CORPORATION and
HOLOGIC LP

Matthew Wolf (wolfm@howrey.com)
Marc Cohn (cohnm@howrey.com)
HOWREY LLP
1229 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 783-0800
Facsimile: (202) 383-6610

Attorneys for Plaintiffs
HOLOGIC, INC. CYTYC
CORPORATION and
HOLOGIC LP

☒ (BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily familiar with WSGR's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

☒ (BY ELECTRONIC MAIL) I caused such document(s) to be sent via electronic mail (email) to the above listed names and email addresses.

☐ (BY PERSONAL SERVICE) I caused to be delivered by hand to the addressee(s) noted above. I delivered to an authorized courier or driver to be delivered on the same date. A proof of service signed by the authorized courier will be filed with the court upon request.

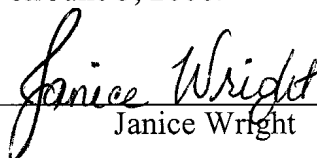
☐ (BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s), to the addressee(s) noted above, designated by the express service carrier for collection and overnight delivery by following the ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily

1 familiar with WSGR's practice for collecting and processing of correspondence for
2 overnight delivery, said practice being that, in the ordinary course of business,
3 correspondence for overnight delivery is deposited with delivery fees paid or provided for
at the carrier's express service offices for next-day delivery the same day as the
correspondence is placed for collection.

4 ☐ (BY FACSIMILE) I caused to be transmitted by facsimile machine (number of sending
5 facsimile machine is (858) 350-2399 at the time stated on the attached transmission
report(s) by sending the documents(s) to (see above). The facsimile transmission(s)
was/were reported as complete and without error.

6 ☒ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case
7 Management/Electronic Case File system with the U.S. District Court for the Northern
District of California.

8 I declare under penalty of perjury under the laws of the United States that the above is true
9 and correct, and that this declaration was executed on June 3, 2008.

10 
11 Janice Wright